

**MEMORANDUM OF UNDERSTANDING
BETWEEN
HARRIS COUNTY
AND THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 6**

I. Introduction

The Memorandum of Understanding (MOU) is made between Region 6 of the United States Environmental Protection Agency (Region 6 EPA) and Harris County, Texas. Region 6 EPA and Harris County, a body corporate and politic under the laws of the State of Texas, hereinafter referred to as Harris County, having its principal place of business at 1001 Preston, 9th Floor, Houston, Texas, 77002 enter this MOU to establish a partnership between governmental agencies to enhance the cleanup of the San Jacinto River Waste Pits Superfund Site located in Harris County.

II. Purpose

Region 6 EPA has placed the San Jacinto River Waste Pits Superfund Site in Harris County, Texas on the National Priorities List of the Superfund Program on March 19, 2008. The site with waste ponds and surface impoundments built in the 1960s for the disposal of pulp and paper mill waste, is located in a marsh partially submerged on the western bank of the San Jacinto River, in Harris County, Texas, immediately north of the Interstate Highway 10 (I-10) bridge over the San Jacinto River; and can encompass any other additional potential areas identified as part of the Superfund process. The primary hazardous substances documented at the site are polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans. Dioxins and furans are "hazardous substances" as defined by Section 101 (14) of CERCLA, 42 U.S.C. §9601 (14). Fish consumption advisories for dioxin, PCB, and organochlorine pesticides are active in this watershed. Region 6 EPA is entrusted with the duty to protect human health and the environment through timely and effective site remediation under the Superfund program. Through state statutes, Harris County is entrusted with the authority to inspect, investigate, and enforce environmental laws and regulations. In this role, Harris County is interested in providing local technical expertise in evaluating and reviewing technical components related to the Site on behalf of their citizenry.

III. Roles and Responsibilities

Region 6 EPA is forming the San Jacinto Technical Advisory Committee (SJTAC) with Harris County in order to review and discuss technical documents for the San Jacinto River Waste Pits Superfund Site. Harris County will provide comments and recommendations to the Region 6 EPA, where appropriate, regarding the technical documents for the site generated during the Superfund cleanup process including but not limited to the Time Critical Removal Action and the Remedial Investigation/Feasibility Study, Remedial Design, and Remedial Action.

**SAN JACINTO SUPERFUND SITE
ANGENICES ROLE**

Superfund Activities	EPA	TCEQ	Federal/State TRUSTEES	Harris County
Review Draft Technical Documents	Lead	Participate	Participate	Participate
Review Draft Final Technical Documents	Lead	Participate	Participate	Participate
Review Final Technical Documents	Lead	Participate	Participate	Participate
Resolve Agencies Technical Comments (no PRPs)	Lead	Participate	Participate	Participate
Discuss Technical Comments with PRPs	Lead	Participate	Participate	No Role
Review Draft Proposed Plan	Prepare	Review	Review	Review
Review Draft ROD	Prepare	Review	Review	Review
Final ROD	Approval/Signature	Concurrence	No Role	No Role

IV. Reservation of Rights

Region 6 EPA and Harris County both pledge in good faith to go forward with the MOU and to further the goals and purposes of this MOU. Region 6 EPA and Harris County shall attempt to resolve any disputes through good faith discussions. Region 6 EPA and Harris County reserve any and all rights or authority that they respectively have, including but not limited to, legal, equitable, or administrative rights. Nothing in this MOU herein limits Region 6 EPA's decision making authority under the Comprehensive Environmental Response, Compensation and Liability Act.

V. Modification/Duration/Termination

This MOU is to take effect upon signature of all participants and remain in effect for the duration of the National Priorities Listing of the San Jacinto River Waste Pits Superfund Site, unless the participants decide otherwise in writing. This MOU may be amended any time by the mutual consent of the participants. A participant may amend upon joint agreement or terminate its participation in this MOU by providing upon 30 days written notice to the other participant.

VI. Communications

Region 6 EPA and Harris County agree to reasonably coordinate with one another concerning any communication or publicity regarding the contents of this Agreement.

IN WITNESS WHEREOF, the Parties have executed this MOU and each of the undersigned personally represent and warrant that they have the full right, power and authority to execute this Agreement on behalf of the respective parties. Harris County executes this MOU by and through the County Judge acting pursuant to Order of the Commissioners Court of Harris County, Texas, so authorizing.

FOR HARRIS COUNTY

By _____
Ed Emmett
County Judge

Date: _____, 2010

APPROVED AS TO FORM:

VINCE RYAN
County Attorney

By _____
Snehal R. Patel, Chief
Environmental Regulatory Section

Date: _____, 2010

FOR REGION 6 ENVIRONMENTAL PROTECTION AGENCY

By _____
Samuel Coleman, P.E.
Superfund Division Director
EPA Region 6

Date: _____, 2010